

9.8 No Precedence

The Parties' execution of this Planning Agreement and participation in the development of the BDCP is voluntary and does not ensure that any of said Parties will participate in later planning phases of the BDCP or related agreements or actions. As provided in Section 9.7, above, any Party may withdraw from this Planning Agreement. In addition, participation in this Planning Agreement shall not be deemed acquiescence to the development of an NCCP. The Potential Regulated Entities shall decide whether to seek approval of the BDCP under the NCCPA ~~and~~/or to apply for a section 2081 permit at or before the time that the BDCP is finalized.

The Parties recognize that participation in this Planning Agreement or in the BDCP planning process does not constitute, expressly or implicitly, an authorization by any of the Fishery Agencies to take any species listed under CESA and/or FESA. The Parties further recognize that such participation does not reflect or represent an acknowledgement by any Party that its activities or projects are not in compliance with any State or federal law or that the BDCP is necessary to comply with any such law.